

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:18-CV-00189-GCM**

JAMES C. MCNEILL,

Plaintiff,

v.

**MICHAEL D. HINSON,
FNU SIMMONS,
WILLIAM HORNE,
FNU KINNEY,
FNU ALLEN,
THOMAS B. TURGEON,**

Defendants.

ORDER

THIS MATTER comes before the Court on its own motion. The Court received a telephone call from counsel for the Defendants. Counsel states that he is presently ill, is experiencing symptoms consistent with the novel coronavirus, SARS-CoV-2 (“COVID-19”), and is awaiting test results. Trial in this matter is currently set for November 1, 2021.

The Court concludes that in order to preserve public resources and protect public health, the trial in this matter must be continued. The Court will treat counsel’s phone call as an oral motion to continue the trial, and will grant the motion. The Court will also vacate the writ of habeas corpus ad testificandum for trial.

IT IS THEREFORE ORDERED that the trial in this matter is **CONTINUED** to a date to be determined by separate order. The writ of habeas corpus ad testificandum (ECF No. 61) is **VACATED**. The Clerk is respectfully requested to provide a copy of this Order to all parties, the U.S. Marshal for the Western District of North Carolina, and Joyce Meadows, the Administrative Specialist for Writs at the North Carolina Department of Public Safety.

SO ORDERED.

Signed: October 26, 2021

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

